

COUNCIL MINUTES

April 26, 2007

The City Council of the City of Mesa met in a Study Session in the lower level meeting room of the Council Chambers, 57 East 1st Street, on April 26, 2007 at 7:32 a.m.

COUNCIL PRESENT

Mayor Keno Hawker
Rex Griswold
Kyle Jones
Tom Rawles
Scott Somers
Claudia Walters
Mike Whalen

COUNCIL ABSENT

None

OFFICERS PRESENT

Christopher Brady
Debbie Spinner
Barbara Jones

1. Hear a presentation and discuss Fire Department budget issues.

Fire Chief Harry Beck displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) and offered an extensive overview of the proposed FY 2007/08 budget for the Fire Department.

Chief Beck reviewed various emergency services provided by the Department; spoke regarding a 58% population growth in the City of Mesa between 1990 and 2006; noted that staffing levels for firefighters decreased significantly during the same period of time; commented on the importance of the Fire Department achieving a response time goal of four minutes or less 90% of the time; and also noted that response times have increased 27 seconds in the last two years.

Chief Beck reported that the Fire Department faces a difficult task of balancing the emergency services needs of west and east Mesa. He explained that west Mesa has a high-density population, high service demands, and simultaneous incidents occurring within the same area of a fire station that requires a second unit to respond to the call and extend the response time. Chief Beck stated that by contrast, east Mesa is confronted with expansive growth and has fewer fire stations, resulting in increased demand for services, longer travel distances and extended response times.

Discussion ensued relative to the fact that in order to address the issue of managing response times, staff implemented a pilot program last year with Transitional Response Vehicles (TRVs); that the vehicle is a two-person unit consisting of two Base Life Support (BLS) trained firefighters who are capable of providing BLS emergency medical assistance; that the program proved successful and response times were reduced; that staff requested that the City Manager

consider the continuation of the pilot program as a transition during the Fire Department's growth phase; and the importance of the Fire Department achieving the national standard of staffing at four individuals per unit.

Chief Beck outlined the Fire Department's baseline budget requests for FY 2007/08 consisting of \$1,283,324 for the purchase of TRV units (one full-time TRV and one peak-time TRV), \$1,138,997 for minimum staffing, \$498,693 for Firefighter Recruiting/Academies, and \$450,000 for the relocation of the Fire Department's Emergency Operating Center (EOC).

Further discussion ensued relative to staff's recommendation that the continuation of the TRV pilot program would be for one year; that the Fire Department would experience a cost savings due to the deployment of these units to emergency medical calls as opposed to dispatching other Fire vehicles; that staff would research the issue of a reserve firefighter program; and the benefit of the organization conducting a task differentiation analysis of its employees.

2. Hear a presentation and discuss Transportation and Transit budget issues.

Transportation Department Director Jeff Martin introduced Deputy Transportation Director Lenny Hulme, who was prepared to assist with the presentation.

Mr. Martin displayed a PowerPoint presentation (available for review in the City Clerk's Office) and reported that in May 2006, Mesa voters approved a .3% local sales tax increase. He stated that such funding equates to an increase in the Streets maintenance budget of more than \$20 million annually over previous levels.

Mr. Hulme reported that in FY 2007/08, staff intends to complete 2,072 lane miles of preventative maintenance and an additional 84 lane lines of overlays, rehabilitation and reconstructions. He offered an analysis of the typical pavement treatment cycle for arterial streets, the variables that cause premature deterioration and accelerated failure of the asphalt pavements, and a street inventory of the current pavement condition index from 2002 to 2006. Mr. Hulme also highlighted the process of creating a computerized inventory of the City's asphalt assets, the associated treatment schedules, and the forecasting and mapping of those areas.

Discussion ensued relative to the overlay projects scheduled for completion in 2007.

Mr. Martin spoke regarding Mesa's transit service, which includes local and express fixed route bus service, Dial-A-Ride (DAR), and other options such as Ride Choice, Special Transportation Service and the Clean Air Club.

Mr. Martin stated that between FY 2004/05 and FY 2006/07, the City's DAR budget was reduced by 51%. He explained that this year, the Senior DAR Program was eliminated and said that approximately 96% of the Senior DAR users migrated to the ADA DAR Program. Mr. Martin advised that this resulted in a \$.54 million shortfall to the City in FY 2006/07 and a projected shortfall of \$1.034 million in FY 2007/08. He added that in FY 2008/09, Proposition 400 monies would offset Mesa's budget shortfall and also fund bus routes #61 (Southern Avenue) and #96 (Dobson Road).

Mr. Martin reported that with regard to the projected budgetary shortfall, staff has identified the following alternatives for Council consideration:

- A. Eliminate Saturday local bus and DAR service (Cost savings of \$1.7 million).
- B. Implement Federal minimum DAR service (Only serve ADA-qualified residents living within three-quarters of a mile from an existing bus route).
- C. Fund DAR budget shortfall for one year with Budget Adjustment Request (BAR) until Proposition 400 funding offsets Mesa's shortfall.

Councilmember Rawles suggested that another option would be to retain DAR service on Saturday, but eliminate local bus service

Further discussion ensued relative to the fact that the City provides DAR service to the entire community, although Federal law only requires service within three-quarters of a mile from existing bus routes; that the region would "pick up" more City fixed bus routes over time, which would potentially offset the increased costs for DAR service; and that with regard to Alternative A as well as Councilmember Rawles' suggestion, such options would include a three month publication, notification and hearing process.

Vice Mayor Walters commented that the elimination of Saturday bus service would significantly impact a large cross section of the community. She stated, for instance, that disabled individuals would be required to utilize more costly transportation options such as ADA DAR. Vice Mayor Walters also cautioned that considering this issue in isolation does not necessarily provide the true cost consequences across all levels of government.

Mr. Martin concluded his presentation by noting that staff is requesting a FY 2007/08 BAR of \$1.031 million for ADA DAR service. He explained that the funds would cover the shortfall until July 2008, at which time the region would begin to fund various City bus routes.

Mayor Hawker stated that the Federal law which requires an individual to live within three-quarters of a mile from an existing bus route in order to be eligible for ADA DAR service should be a Citywide standard.

City Attorney Debbie Spinner clarified that because of the manner in which this item is posted, the Council can discuss Mayor Hawker's suggestion, but cannot take a vote or reach a final agreement on the matter.

The Council made the following comments/input regarding staff's possible alternatives:

Councilmember Rawles:

- Preferred Option A, A2 (eliminate local bus service on Saturday) or Option B.

Vice Mayor Walters:

- Supported Option C and would consider Option B.
- Requested that staff research whether the City is mandated to provide DAR service in the County just because individuals live within three-quarters of a mile of a City bus route but are not Mesa residents.

Councilmember Griswold:

- Concurred with Vice Mayor Walters' comments.
- Stated that Mesa pays the DAR costs for County residents who use the service and suggested that the County reimburse the City for those charges.
- Encouraged individuals to use more cost effective options such as RideChoice.

Mayor Hawker:

- The current DAR program, like Social Security, is not sustainable and must be addressed sooner rather than later.
- Suggested that staff bring back the issue regarding the three-quarter of a mile from an existing bus route restriction for further Council discussion and direction.
- There are currently no incentives for individuals to use more inexpensive modes of transportation
- It might be appropriate to establish a voucher system that would provide ADA DAR users with a fixed amount of money to use for such services.

Councilmember Somers:

- Concurred with Mayor Hawker's comments and added that if a voucher system were established, riders might combine trips to various locations to achieve a greater economy of scale.
- Preferred Option C followed by Councilmember Rawles' option.

Additional discussion ensued relative to the fact that if a DAR trip originates, for example, in Gilbert, the miles a rider travels in that community are attributed to Gilbert, and the miles traveled in Mesa are allocated to the City; that staff is evaluating this concept as part of the RPTA's study; and that staff is aggressively marketing RideChoice and other more cost effective options.

Vice Mayor Walters commented that the City should pay DAR costs for Mesa residents only and stated that she would support modifications to the RPTA's study with regard to the manner in which those costs are calculated.

Mayor Hawker thanked staff for the presentation.

3. Hear a presentation, discuss and provide direction on the City's annexation policy.

City Attorney Debbie Spinner stated that the Council was provided a confidential legal memo addressing various legal issues associated with annexation. She explained that if the Councilmembers had legal questions regarding the memo, they could vote to hold an Executive Session, obtain the necessary legal advice, and reconvene the Study Session. Ms. Spinner noted that if the Council elects to discuss the legal issues in public, she asked that the Council waive its attorney/client privilege for purposes of that discussion.

Councilmember Rawles stated that in his opinion, the law and the public policy decision are so intertwined that they cannot be separated. He commented that he would prefer that the Council waive the privilege and discuss the memo in public.

Vice Mayor Walters questioned if the Council waives the privilege whether the memo would become a public document. She stated that she would oppose that occurring.

Ms. Spinner offered a legal analysis with regard to Vice Mayor Walters' concerns. She explained that although the discussion might be impacted somewhat by Proposition 207, the legal information contained in the memo does not address 207, but rather the interpretation of A.R.S. 9-471 (the annexation statute).

Councilmember Rawles stated that he sees nothing in the memo that he would object to being disclosed to the public. He suggested that the Council first hear staff's presentation and hold in abeyance the question of whether to waive the privilege.

Mayor Hawker stated that the Council concurred with Councilmember Rawles' suggestion.

Development Services Department Director Christine Zielonka introduced Planning Director John Wesley and Deputy Building Safety Director Tammy Albright, who were prepared to make a presentation regarding this item. Ms. Zielonka reported that staff is seeking Council direction relative to a proposed revision to the Council-adopted policy on annexation. She explained that the revision would apply to those applicants voluntarily seeking annexation into the City and would include the annexation of parcels that are not necessarily contiguous to current City property.

Mr. Wesley displayed a PowerPoint presentation (a copy is available for review in the City Clerk's Office) and provided an extensive overview of this item. He reviewed the City limits as they currently exist, adjacent County islands, and the location of properties outside Mesa's corporate limits that currently receive City water. Mr. Wesley also spoke regarding the City's annexation policy and explained that State statutes establish parameters regarding the manner in which the City would address County island areas and non-County islands. He stated, as an example, dimensional requirements (300-foot connection and 200 foot of depth) do not apply in County island areas.

Discussion ensued relative to various Council policy changes as of May 2006; that dimensional requirements no longer apply for properties located within an established County island; that staff can proceed with annexation requests that would go directly across the street from existing City limits, thereby omitting the street in the annexation process; and that with regard to recent Council discussions regarding water service policies, staff reviewed the annexation policy and considered options to reduce the size of the County islands by accommodating those individuals who wish to become part of the City.

Mr. Wesley further indicated that staff is proposing to extend the current policy of annexing within County islands to include parcels not immediately adjacent to current City limits. He explained that staff would continue the current process for street improvements and added that the proposal would be implemented on a case-by-case basis with regard to the individual requirements and needs of the property owners and the impact on City services.

Mr. Wesley referred to a diagram entitled "Recommended Process Map" and commented that when an annexation request is submitted, staff would first determine whether the property was developed or undeveloped. He explained that if it were undeveloped, it would be necessary for the applicant to comply with the City's zoning and Mesa Development standards and pay the required fees. Mr. Wesley commented that if the property was developed, staff would assess

whether it meets current standards and also discuss with the property owner his or her willingness to pay City fees that are typically associated with development and the extension of utilities. He stated that if the property owner agreed to pay such fees, the annexation process would begin. Mr. Wesley also noted that if the property owner questioned the payment of fees, a more extensive staff review process would occur and the case would be presented to the Transportation & Infrastructure Committee for input prior to staff commencing the annexation process. He added that the same model could also apply to utility requests for residents outside the City limits.

Ms. Albright referred to the PowerPoint presentation and offered an extensive analysis of three different types of cases that could proceed through the proposed annexation process.

Further discussion ensued regarding the "Recommended Process Map;" that Section C of Ordinance No. 3880 allows the Council to exempt an individual parcel of real property located outside of Mesa's corporate limits from the requirements of Section 3 of the Ordinance; and that the deletion of the provision would require an ordinance change.

Mayor Hawker questioned what services Mesa would not provide as a municipality to a property that is located with its 150 square mile planning area but not annexed.

Councilmember Rawles suggested that the Council should first determine whether it wishes to follow the Glendale model regarding annexation agreements.

Councilmember Rawles offered a legal analysis of subparagraphs A, H and K of A.R.S. 9-471. He commented that although it is "good public policy" for the City of Mesa to have the ability to annex a parcel that is noncontiguous inside a County island, in his opinion, he does not believe that it is allowed per the statute. Councilmember Rawles inquired whether Ms. Spinner could provide a different legal interpretation of the statute.

Additional discussion ensued relative to an analysis of the statute; Mesa's strip annexation area; and the pros and cons of Ms. Spinner providing her legal opinion in public.

Mr. Brady suggested that it might be appropriate for the Council to adjourn into Executive Session for the purpose of obtaining legal advice from Ms. Spinner. He explained that the dilemma staff faces is that there are property owners in County islands who wish to be annexed by Mesa, but stated that if the City determines that annexation is not possible, then the issue of water service becomes a great concern to those individuals. Mr. Brady added that he would ask the Council to consider the issue that once the City provides a water service contract to any account, Mesa's ability to annex the property diminishes.

It was moved by Councilmember Rawles, seconded by Councilmember Griswold, that the Council adjourn into Executive Session.

Carried unanimously.

(The Study Session was recessed from 10:25 a.m. to 10:48 a.m.)

Councilmember Rawles indicated that during the Executive Session, the Council received legal advice from Ms. Spinner with regard to the interpretation of A.R.S. 9-471. He commented that although he would like to support staff's recommendation and believes the risk of the City being

sued is extraordinarily small, in his opinion, subparagraph K does not eliminate the contiguous requirement of subparagraph A (1), and therefore he cannot support the recommendation.

Councilmember Griswold noted that Glendale has created a successful model regarding annexation agreements and has not yet been challenged in court. He also stated that there are many property owners who would be willing to annex into the City, which, in his opinion, would be good public policy.

Mayor Hawker expressed support for staff's recommendation. He explained that individuals who own property that is not contiguous to Mesa's corporate limits, but wish to be annexed into the City, should have the opportunity to do so. Mayor Hawker added that the City would benefit as the service provider to those property owners.

Councilmember Whalen stressed the importance of the City maintaining its policy of providing services only to those individuals who reside within Mesa's corporate limits.

Councilmembers Somers and Jones also expressed support for staff's recommendations.

Vice Mayor Walters acknowledged that there is significant ambiguity in the reading of A.R.S. 9-471. She noted, however, that as long as there is "100 percent" agreement of the property owners that they wish to be annexed into the City, she is willing to consider the various ambiguities.

It was moved by Vice Mayor Walters, seconded by Councilmember Griswold, to proceed with staff's recommendation that would more closely follow the Glendale model, with the stipulation that there must be "100 percent" agreement of anyone wishing to use this methodology for annexation.

Upon tabulation of votes, it shows:

AYES - Hawker-Griswold-Jones-Somers-Walters-Whalen
NAYS - Rawles

Mayor Hawker declared the motion carried by majority vote.

Mayor Hawker thanked staff for the presentation.

4. Hear reports on meetings and/or conferences attended.

There were no reports on meetings and/or conferences attended.

5. Scheduling of meetings and general information.

City Manager Christopher Brady stated that the meeting schedule is as follows:

Tuesday, May 1, 2007, 7:30 a.m. – Service Recognition of Employees (5 and 10 years of service) and 3:00 p.m. (15, 20, 25, 30 and 35 years of service)

Thursday, May, 3, 2007, 7:30 a.m. – Study Session

6 Prescheduled public opinion appearances.

There were no prescheduled public opinion appearances.

7. Items from citizens present.

Charlene Kirkwood, 435 North Pasadena, #24, a resident of the Escobedo Apartments, expressed concern regarding the possible elimination of Dial-a-Ride services and the negative impact on those individuals who use the service if that were to occur.

8. Adjournment.

Without objection, the Study Session adjourned at 11:08 a.m.

KENO HAWKER, MAYOR

ATTEST:

BARBARA JONES, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the City Council of Mesa, Arizona, held on the 26th day of April 2007. I further certify that the meeting was duly called and held and that a quorum was present.

BARBARA JONES, CITY CLERK

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